

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

**JORGE GERARDO QUILES MALDONADO**

DEBTOR(S)

SS#1 XXX-XX-9150

CASE NC 19-03782 *ESL13*

CHAPTER 13



**CREDITOR DAMARIS SANTIAGO'S URGENT MOTION TO REQUEST A HEARING  
TO CLAIM CHILD SUPPORT PAYMENT AND TO REQUEST AN ORDER TO  
PREVENT THAT THE DEBTOR FILE ANOTHER BANKRUPTCY PETITION**

**COMES NOW** the Creditor, Damaris Santiago Méndez (hereinafter referred to as the "Creditor"), in one's own rights, and files this **URGENT MOTION**, and in support thereof states as follows:

1. On March 24, 2018 Debtor filed a bankruptcy petition under a Chapter 13 (case 18-01599).
2. The referenced petition was dismissed before confirmation.
3. From the beginning, Creditor has claimed a considerable debt for child support.
4. As of today, the debt is \$ 25,007.48 (**please reference Exhibit 1**), in addition to the legal interests accumulated and included in the bankruptcy plan and exceeding \$7,000.
5. The Debtor must pay said debt through the Child Support Administration (ASUME in Spanish).
6. When the first bankruptcy was dismissed, Creditor received the **SUMMARY OF TRUSTEE'S FINAL REPORT AND ACCOUNT IN CHAPTER 13**, which reflects that the sum of **\$7,647.80** will be returned to the Debtor.
7. The Debtor filed a bankruptcy in this case (19-03782) which is also about to be dismissed. The more than \$7,000 of the first bankruptcy were returned to the Debtor without paying a single cent to the Creditor for the child support debt and now the same could happen.

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8. It should be noted that the Debtor has openly expressed in the State Court that the only purpose of filing the bankruptcies is to evade payment of the child support debt and that if this bankruptcy is dismissed, another will be filed. This is an abuse of the system.
9. It should be noted that although child support is a priority debt, Creditor did not receive a single payment through the Trustee.
10. As established by case law, the State's interest in the welfare of minors goes beyond the Debtor's right to receive the amount to be returned.
11. Therefore, if this bankruptcy is dismissed the amount to be returned must be deposited in the account of ASUME 0585082 to meet the child support debt.
12. The bankruptcy process has seen several contempt actions in State Court because the Debtor fails to pay the post-petition child support. He uses bankruptcy as a subterfuge.
13. The Debtor has a game of letting one bankruptcy be dismissed to start another and meanwhile the minor remains unprotected.

**WHEREFORE**, the Creditor respectfully requests that this Honorable Court:

- A. Enter an order to establish that in the event of dismiss the amount to be returned to the Debtor be deposited in the ASUME account # 0585082 to meet the child support debt;
- B. Establish that if this bankruptcy is dismissed, the Debtor may not file another one in a period of 18 months; and
- C. For such other relief as this Court deems necessary and just.

**NOTICE**

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

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**THE SERVICEMEMBERS CIVIL RELIEF ACT (SCRA)**

According to the best information and belief of the Creditor, the debtor is not part of the military service.

**Respectfully submitted on this 21<sup>th</sup> day of July 2021.**



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**DAMARIS SANTIAGO MÉNDEZ**

Creditor

PO BOX 283

Lares, PR 00669

(787) 674-8423

damarsantiago@gmail.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 21<sup>th</sup> day of July 2021, a copy of this **URGENT MOTION** was mail first class mail to:

**JOSE R. CARRION MORALES**

Bankruptcy Trustee

PO BOX 9023884

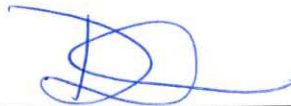
San Juan, PR 00902-3884

**GERMAN A. RIECKEHOFF**

273 Uruguay Street

Centrum Plaza Apt 5 A

San Juan, PR 00917



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**DAMARIS SANTIAGO MENDEZ**

Creditor





GOBIERNO DE PUERTO RICO  
Departamento de la Familia  
Administración para el Sustento de Menores

Fecha de Emisión: 7/21/2021

Issue date:

**CERTIFICACION**

**CERTIFICATE**

Nuestro sistema mecanizado contiene la siguiente información:

Our automated case management system has the following information:

DAMARIS SANTIAGO MENDEZ no tiene la obligación de pagar pensión alimentaria a través de ASUME.

DAMARIS SANTIAGO MENDEZ does not have obligation to pay child support through the ASUME.

Caso Case	Pensión Fijada Support Established	Frecuencia de Pago Payment Frequency	Fecha Último Pago Last Payment Date	Balance adeudado Arrears Due	Plan de Pagos Payment plan	Frecuencia Plan de Pagos Payment plan frequency	Fecha en que se estableció Plan de Pagos Payment Plan establishment date	Fecha último pago registrado del Plan de Pagos Date of last payment for payment plan
0585082	\$998.63	MENSUAL	7/15/2021	\$25,007.79	\$99.86	MENSUAL	12/17/2019	7/15/2021

En este caso los alimentistas NO recibieron asistencia económica del Programa Ayuda Temporal a Familias Necesitadas 'TANF'.

In this case, the obligees received NO economic assistance from the Temporary Assistance for Needy Families Program (TANF).

DAMARIS SANTIAGO MENDEZ NO se encuentra acogido/a a la Ley de Quiebras.

DAMARIS SANTIAGO MENDEZ IS NOT under the protection of the Bankruptcy Act.

Tiene 0 obligación(es) de pagos de pension(es) alimentaria(s) a través de ASUME.

Has 0 child support obligation(s) through the ASUME

Recibe pensión alimentaria a través de ASUME en 1 caso(s):

Receives child support through ASUME in 1 case(s):

**0585082**

Este documento resume la información contenida en el sistema mecanizado (PRACSES) de la Administración para el Sustento de Menores. Los pagos realizados directamente a la persona custodia no se registran como pagos de pensión alimentaria ni plan de pago. Deberá acudir a la oficina de la ASUME donde está asignado su caso para solicitar la acreditación de pagos efectuados fuera de ASUME. El balance de esta Certificación no incluye el mes en que fue expedida. La información de este documento es válida por treinta (30) días, a partir de la fecha de su emisión.

This document summarizes the information contained in the Administration for Child Support Enforcement automated system (PRACSES). Payments made directly to the Custodial Person are neither registered as child support payments nor as payments made for the payment plan. You must visit the ASUME office to which your case is assigned in order to request to credit those payments. The balance in this Certificate does not include the current month when it was issued. The information contained in this document is valid for thirty (30) days from its issue date.

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NOTA DE CONFIDENCIALIDAD: La información contenida en este documento y cualquier anejo del mismo es confidencial y privilegiada y tiene el propósito de que sólo sea utilizado por la persona identificada en el mismo.

CONFIDENTIALITY NOTE: The information contained in this document and any attachment is confidential and privileged and has the purpose of being used only by the person identified in it.

Para validar la información contenida en este certificado, favor acceder a <http://www.pr.gov/validacionelectronica/>.

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